

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALTAGRACIA PEGUERO.

Plaintiff,

$$V_{\bullet}$$

AMERICAN EXPRESS COMPANY
and HEALTHEXTRAS, INC.,

Defendants.

Civil Action No. 05-10995-WGY

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), all parties in the above-captioned action stipulate that the action be and hereby is dismissed with prejudice, without costs to any party and waiving all rights of appeal.

ALTAGRACIA PEGUERO.

By her attorney,

HEALTHEXTRAS, INC.,

By its attorney,

/s/ Kevin Donius
Kevin Donius, BBO No. 551298
Law Offices of Kevin Donius, P.C.
424 Adams Street, Suite 100
Milton, Massachusetts 02186
(617) 296-4900

/s/ Donald R. Pinto, Jr.
Donald R. Pinto, Jr., BBO No. 548421
Rackemann, Sawyer & Brewster, P.C.
One Financial Center
Boston, Massachusetts 02111
(617) 542-2300

AMERICAN EXPRESS COMPANY,

By its attorney,

/s/ John F. Farraher
John F. Farraher, BBO No. 568194
Greenberg Traurig, LLP
One International Place, 20th Floor
Boston, Massachusetts 02110
(617) 310-6000

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

/s/ Donald R. Pinto, Jr.

Donald R. Pinto, Jr.

Dated: October 22, 2007